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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,210	08/03/2001	Sean Sanderlin	P-99996.886	7904

7590

07/12/2005

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EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/922,210

Applicant(s)

SANDERLIN, SEAN

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 1 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 90010803.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1 and 3 are objected to because of the following informalities:

Applicant recites the limitation "preparing said computer system to compare said potential relationship data and said existing relationship data". In the disclosure originally filed on 03 August 2001, applicant has not clearly defined the limitations of "preparing said computer system". Examiner reads the limitation as starting the computer system.

Appropriate correction is required. In response to this office action, applicant must write "No new matter has been added".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horwitz et al. US Patent 5,774,866 hereinafter known as Horwitz.

Regarding claims 1 and 3, Horwitz teaches computerized method for checking and clearing relationship problems in an organization (operating a computer system to check relationship problems in an organization including a plurality of persons) [col. 3, lines 20 – 22]. Horwitz does not teach organizational structure of users for the system. However, it is a business choice to decide upon the organizational structure of users.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement organizational structure including a plurality of members and a conflicts administrator to meet management requirements for organizing personnel.

Horwitz teaches:

providing a computer system having a central database (design choice for database architecture) connected to a plurality of terminals through a data transmission network [Fig. 1 and disclosure associated with Fig. 1];

Horwitz does limit what type of information can be stored in the database. However, it is a design choice for deciding what type of data is stored in the database to meet its business requirements. With respect to the recitation defining what kind of data is being stored on the database, this is considered to be non-functional descriptive material that does not distinguish (define) over the applied prior art. Since the type of data claimed is considered to be non-functional descriptive material, the applied prior art satisfies the claim. The prior art stores data and is fully capable of storing the claimed type of data, this is the extend to which weight will be given to the claimed data. When descriptive material is not functionally related to the article, the descriptive material will

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not distinguish the invention from the prior art in terms of patentability, *In re Gulack*, 217 USPQ 401 (CAFC 1983).

Horwitz teaches:

storing, upon said database, computer-intelligible existing relationship data denoting one or more existing parties being serviced by said organization (design choice on type of information to be stored in database);

storing, upon said database, computer-intelligible potential relationship data denoting one or more potential parties, said potential relationship data inputted into one of said terminals by a requesting party (design choice on type of information to be stored in database);

transmitting said potential relationship data from said database to said terminals through said data transmission network (computer system is connected to a data transmission network, and at least some of the persons in the organization have terminals connected to the network.) [Fig. 1 and disclosure associated with Fig. 1, col. 15, lines 42 – 44, col. 3, line 66];

displaying said potential relationship data upon said terminals for review by said members (providing an indication of each clear status and each denied status accessible through the network) [col. 4, line 36];

providing a graphic user interface upon each of said terminals for facilitating communication between said members and said requesting party [col. 7, line 64];

receiving, upon said terminals, response information concerning said potential relationship data, said response information directly entered by one or more of said

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members (response was received from the evaluator, business choice to limit numbers of evaluators, or, make all the attorneys as evaluators) [col. 14, line 50];

transmitting said input information from said terminals to said requesting party and said conflicts administrator through said data transmission network (as responded to earlier, Horwitz teaches transmission capability, it would have been obvious to one of ordinary skill in the art at the time the invention was made that response from remote computer is transmitted to another remote computer over a transmission medium);

preparing said computer system to compare said potential relationship data and said existing relationship data [Fig. 2 and disclosure associated with Fig. 2];

comparing said potential relationship data and said existing relationship data;

identifying when potential relationship data matches existing relationship data; creating an electronic report denoting one or more of said data matches, or lack thereof; transmitting said report to said conflicts administrator [Fig. 2 and disclosure associated with Fig. 2]; and

notifying said requesting party of the status of said potential client data [Fig. 2, 3 and disclosure associated with Fig. 2, 3].

Regarding claims 2 and 4, Horwitz teaches defining one or more relationships for each of said existing parties and each of said potential parties (it would have been obvious to one of ordinary skill in the art at the time the invention was made that relationship are defined before to be able to compare at a later time ) [Fig. 2 and disclosure associated with Fig. 2].

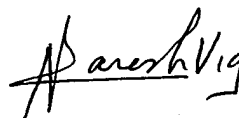
**Conclusion**

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig  
Examiner  
Art Unit 3629

July 8, 2005